

SOME SHORT
CONSIDERATIONS
Relating to the
S E T T L I N G
O F T H E
GOVERNMENT;

Humbly offer'd to the
Lords and Commons
O F E N G L A N D,
Now Assembled at WESTMINSTER.

Post est Occasio calva.

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ON

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GOVERNMENT

OF THE

House and Commons

OF ENGLAND

Now Assembled at WESTMINSTER

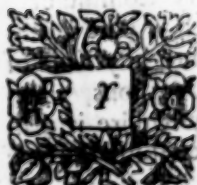
By Order of the House

London: Printed for W. R. 1682.

SOME SHORT CONSIDERATIONS

Relating to the
Settling of the Government, &c.

My Lords and Gentlemen,



YOU are Assembled upon Matters of the highest Importance to England and all Christendom; and the Result of your Thoughts, in this Convention, will make a numerous Posterity Happy or Miserable. If therefore I have met with any Thing that I think worthy of your Consideration, I should think my self wanting in that Duty which I owe to my Country and Mankind, if I should not lay it before You. If there be (as some say) certain Lineaments in the Face of Truth, with which one cannot be deceiv'd, because they are not to be counterfeited; I hope the Considerations which I presume to offer you, will meet with your Approbation: That, bringing back our Constitution to it's first and purest Original, refining it from some gross Abuses, and supplying it's Defects; you may be the Joy of the present Age, and the Glory of Posterity.

First, **T**IS necessary to distinguish between Power it self, the Designation of the Persons Governing, and the Form of Government. For,

1. All Power is from God as the Fountain and Original.
2. The Designation of the Persons, and the Form of Government, is either, First, immediatly from God, as in the Case of *Saul* and *David*, and the Government of the *Jews*; or, Secondly, from the Community choosing some Form of Govern-

ment, and subjecting themselves to it : — But it must be noted, that tho *Saul* and *David* had a Divine Designation, yet the People assembled ; and in a General Assembly, by their Votes, freely chose them : Which proves, that there can be no orderly or lasting Government, without consent of the People Tacit or Express'd ; and God himself would not put Men under a Governor without their Consent. And in case of a Conquest the People may be called *Prisoners* or *Slaves* (which is a State contrary to the Nature of Man,) but they cannot be properly *Subjects*, till their Wills be brought to submit to the Government : So that Conquest may *make Way* for a Government, but it cannot constitute it.

Secondly, There is a *Supreme Power* in every Community, essential to it and inseparable from it ; by which, if it be not limited immediatly by God, it can form it self into any Kind of Government. And in some extraordinary Occasions, when the Safety and Peace of the Publick necessarily require it, can supply the Defects, reform the Abuses, and re-establish the true Fundamentals of the Government ; by Purging, Refining, and bringing Things back to their first Original : Which Power may be called, *The Supreme Power Real*.

Thirdly, When the Community has made choice of some Form of Government, and subjected themselves to it, having invested some Person or Persons with the *Supreme Power* : The Power in those Persons may be called, *The Supreme Power Personal*.

Fourthly, If this Form be a mix'd Government of *Monarchy*, *Aristocracy*, and *Democracy* ; and, for the easie Execution of the Laws, the *Executive Power* be lodg'd in a single Person ; He has, *A Supreme Power Personal*, quoad hoc.

Fifthly, The *Supreme Power Personal* of *England*, is in Kings, Lords, and Commons ; and so it was in Effect agreed to, by King *Charles* the First, in his Answer to the nineteen Propositions ; and resolved by the Convention of Lords and Commons in the Year 1660. And note, That the Acts of that Convention,

tion, tho never confirmed by Parliament, have been taken for Law, and particularly by the Lord Chief Justice *Hales*.

Sixthly, The *Supreme Power Personal* of England fails three Ways.

1. 'Tis Dissolved: For two Essential Parts fail. 1. A King. 2. A House of Commons; which cannot be called according to the Constitution; the King being gone, and the Freedom of Election being destroyed by the King's Incroachments.

2. The King has forfeited his Power several Ways. Subjection to the Bishop of *Rome*, is the Subjection against which our Laws cry loudest: And even *Barclay* (that Monarchical Politician acknowledges, That if a King alienate his Kingdom, or subject it to another, he forfeits it. And *Grotius* asserts, That if a King really attempt to deliver up, or subject his Kingdom, he may be therein resisted: And that, if the King have part of the *Supreme Power*, and the People or Senate the other part, (the King invading that part which is not his) a just Force may be opposed, and he may lose his Part of the Empire. *Grotius de Bello*, &c. Cap. 72. But that the King has *subjected the Kingdom to the Pope*, needs no Proof; That he has *usurp'd an absolute Power superior to all Laws*, made the Peoples Share in the Legislative Power impertinent and useless, and thereby invaded their just Rights, none can deny. 'Twere in vain to multiply Instances of his Forfeitures: And, if we consider the Power exercis'd by him of late, it will most evidently appear to all who understand the *English* Constitution, that it admits of no such King, nor any such Power.

3. The King has deserted,

1. By incapacitating himself by a Religion inconsistent with the Fundamentals of our Government.

2. By forsaking the Power the Constitution allow'd him, and usurping a Foreign one: So that, tho the Person remained, the King was gone long ago.

3. By Personal Withdrawing.

Seventhly, The *Supreme Power Real* remains in the Community; and they may act by their Original Power: And tho every

every particular Person is, notwithstanding such Dissolution, Forfeiture, or Desertion, subject to the Laws which were made by the *Supreme Power Personal*, when in Being; yet the Communities Power is not bound by them, but is paramount all Laws made by the *Supreme Power Personal*: And has a full Right to take such Measures for Settling the Government, as they shall think most sure and effectual, for the lasting Security and Peace of the Nation. For we must note, that it was the Community of *England*, which first gave Being to both King and Parliament, and to all the other Parts of our Constitution.

Eighthly, The most Renowned Politician observes, That those Kingdoms and Republicks subsist longest that are often renewed, or brought back to their first Beginnings; which is an Observation of Self-evident Truth, and implies, That the *Supreme Power Real* has a Right to Renew, or bring back. And the most ingenious *Lawson* observes (in his *Politica*) That the Community of *England*, in the late Times, had the greatest Advantage that they or their Ancestors had had for many Ages, for this purpose; tho' God hid it from their Eyes: But the wonderful Concurrence of such a Series of Providences, as we now see and admire, gives ground to hope, That the Veil is removed, and the Nation will now see the Things that concern their Peace.

Ninthly, The Acts done and executed by the *Supreme Power Personal* (when in Being) have so model'd the Parts and Persons of the Community, that the Original Constitution is the best, justest, and the most desirable. The *Royal Family* affords a Person that both Heaven and Earth point out for King; There are Lords, whose Nobility is not affected by the Dissolution of the Government, and are the subject Matter of a House of Lords; And there are Places, which by Custom or Charter have Right to choose Representatives of the Commons.

Tenthly, There are inextricable Difficulties in all other Methods. For,

1. There is no Demise of the King, neither Civil nor Natural.
2. There is consequently no Decent.
3. The Community only has a Right to take Advantage of the King's Forfeiture or Desertion.
4. What-

4. Whatever other Power may be imagin'd in the Two Houses, as Houses of Parliament, it cannot justify it self to the Reason of any, who understand the Bottom of our Constitution.

5. By this Method all *Papish Successors* may be excluded; and the Government secured, in case all the *Protestants* of the Family die without Issue: And this by the very Constitution of *England*. And the Question can never arise about the Force or the Lawfulness of a Bill of Exclusion.

6. The Convention will not be oblig'd to take Oaths &c..
Eleventhly, If these things be granted, and the Community be at Liberty to Act as above; it will certainly be most advisable, not only for the Security and Welfare of the Nation, but (if rightly understood) for the Interest of their Royal Highnesses, to limit the Crown as follows: — To the Prince of *Orange* during his Life (yet with all possible Honor and Respect to the Princess, whose Interests and Inclinations are inseparably the same with his) Remainder to the Princess of *Orange*, and the Heirs of her Body; Remainder to the Princess of *Denmark*, and the Heirs of her Body; Remainder to the Heirs of the Body of the Prince of *Orange*; Remainder as an Act of Parliament shall appoint.

This will have these Conveniences among others.

1. Husband and Wife are but one Person in Law, and her Husbands Honor is hers.

2. It puts the present Kingly Power into the best Hand in the World; which (without Flattery) is agreed on by all Men.

3. It asserts the above-said Power in the Community.

4. It will be some Acknowledgment to the Prince for what he has done for the Nation: And it is worthy observation, that before the *Theocracy* of the *Jews* ceased, the manner of the Divine Designation of their Judges, was by God's giving the People some Deliverance by the Hand of the Person, to whose Government they ought to submit; and this even in that time of extraordinary Revelations. Thus *Othniel*, *Gideon*, *Jephthah*, *Samson*, and others were invested by Heaven with the Supreme Authority: And tho *Joshua* had an immediate Command from
 God

God to succeed *Moses*, and an Anointing to that purpose, by the Laying on of *Moses's* Hands: Yet the Foundation of the People's Submission to him was laid in *Jordan*. And I challenge the best Historians to give an Instance (since that *Theocracy* ceased,) of a Designation of any Person to any Government, more visibly Divine than that which we now Admire. If the Hand of Providence (miraculously and timely disposing Natural Things, in every Circumstance to the best Advantage,) should have any Influence upon Mens Minds; most certainly, we ought not here to be inflexible; If *the Voice of the People* be the Voice of God, it never spoke louder; If a Nation of various Opinions, Interests and Factions, from a turbulent and fluctuating State, falls into a serene and quiet Calm, and mens Minds are strangely united on a sudden; it shews from whence they are influenced. In a word, if the Hand of God is to be seen in Human Affairs, and his Voice to be heard upon Earth; we cannot any where (since the ceasing of Miracles) find a clearer and more remarkable Instance, than is to be observ'd in the present Revolution. If one examines the Posture of Foreign Affairs, making Way for the *Princes* Expedition by some sudden Events and Occurrences, which no Human Wisdom or Power could have brought about; If one observes that Divine Influence which has directed all his Counsels, and crown'd his Undertakings, notwithstanding such innumerable Dangers and Difficulties, with constant Honour and Success; If one considers how happily and wonderfully both Persons and Things are changed in a little time, and without Blood: It looks like so many Marks of God's Favor, by which he thinks fit to point him out to us in this extraordinary Conjunction.

I will trouble you but with one Consideration more; which is, that the Two Things most necessary in this Affair, are Unanimity and Dispatch: For without both of these your Counsels will have little Effect. In most Things 'tis good to be long in Resolving; but in some 'tis fatal not to conclude immediately: And Presence of Mind is as great a Virtue, as Rashness is a Vice. For the Turns of Fortune are sometimes so quick, that if Advantage be not taken in the critical hour, 'tis for ever lost. But I hope, your Lordships and all those Gentlemen, who compose this August Assembly, will proceed with so much Zeal and Harmony, that the Result of your present Consultations may be a lasting and grateful Monument to Posterity, of your Integrity, Courage, and Conduct.

F I N I S